*The motion was withdrawn with the leave of the House.*

**Motion No: 4.**

Mr. A. B. Salem.—*To omit the allotment of Rs. 300 under XV—Law and Justice—A—law Department.*

*As the Member did not move the motion it was considered withdrawn.*

*The motion for an additional allotment of Rs. 300 under XV—Law and Justice—A—Law Department was then put and carried.*

## (8) XV—Law and Justice—B. Civil Justice—Rs. 160.

**Mr. T. S. Narayana Ayyar.**—I again rise to move for an additional allotment of Rs. 160 to be incurred for the appointment of 4 temporary copyists for a period of 2 months in connection with the pendency of a large number of applications for copies in the Ernakulam Munsiff's Court. The pendency has now risen up to 2,000 applications and the clients are clamouring for copies. It was originally proposed that 2 hands may be appointed for 3 months, but it was found desirable that instead of extending the period to 3 months, it may be 2 months with 4 hands. I, therefore, pray that the Council may be pleased to accord sanction for the same.

**Motion No. 1.**

Mr. K. P. Kannan Nayar.—*To reduce the allotment of Rs. 160 under XV—Law and Justice—B—Civil Justice by Re. 1.*

**Mr. K. P. Kannan Nayar.**—My object in moving this cut is only to bring to the notice of the Government the insufficient accommodation that is now provided for the 2nd Additional Court that is temporary. It is only for that purpose. My point is only that the accommodation that is now provided is quite insufficient for holding a Court there. So that Government may be pleased to provide better accommodation for the Additional Court, and in this connection, I may even point out that in the northern wing of the present District Court building, where the Taluk Office is now located, an Additional Court was established some time back which was located on the western side there. Perhaps 2 or 3 clerks of the Tahsildar may have to be accommodated in the eastern verandah. Now, the western verandah together with a portion of the northern extremity of that wing where the Additional Court was located, would be more convenient to hold the court and it is a well ventilated room than the cell which is provided for the Additional Court now. In my capacity as Secretary of the Bar Association, I have been addressed by the Government whether the Bar Association building can be made available for the Additional Court. That itself shows that the Government is not satisfied with the present

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accommodation. But the question of the Bar Association building can be decided only by convening a meeting of the members of the Association. Suppose they say it is not convenient, even then Government will have to find out a better accommodation. This place may be considered by the Government. I don't think it will cause any inconvenience so far as the Tahsildar is concerned. Perhaps some of his clerks who are now located on the western side may have to be shifted to the eastern verandah and that portion of the building may be given to the Additional Court. The Sheristadar and the establishment can be where they are now. So that there is no necessity to disturb the arrangement of the revenue officers who are seated there except 2 or 3 clerks who are located on the western side. They may be seated on the eastern verandah. That is a suggestion which the Government may consider.

*The motion was, with leave, withdrawn.*

## Motion No. 2.

Mr. P. Kumaran Ezhuthassan.—*To reduce the allotment of Rs. 160 under XV—Law and Justice—B. Civil Justice by Re. 1.*

**Mr. P. Kumaran Ezhuthassan.**—The object of the cut motion is to impress upon the Government the necessity for creating an efficiency bar in the matter of promotion of Munsiffs to the higher judicial posts. What is the practice that is adopted now?

**Deputy President.**—Efficiency bar means that only competent men should be promoted. They will say that that is what they have done and what they are doing.

**Mr. P. Kumaran Ezhuthassan.**—There is no use of saying that. We will have to look into the merits of each case. Let us see what the Government has to say in this matter. What I submit is, that the present practice is to promote gentlemen for the only reason that the gentleman promoted is one having so many years' experience as a Government servant, whatever be the nature of the service rendered. Probably it may be a clerkship on Rs. 12 to start with and then promotion to the next grade of clerkship on Rs. 25 and then on to Rs. 40 and so on at last culminating in that of a Munsiff's place, not by his efforts but simply for the reason of his grey hairs. After 20 or 25 years' experience, he comes to the place of the District Judge or District Magistrate, with the result which is not any thing enviable. To avoid this, it is urged that just as it is done in British India, an efficiency bar may be created for their promotion, i. e., only persons who have the approved work as Munsiffs be raised to the next place and from there to the next higher grade. It is certainly a salutary thing and no manner of

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Objetion can be raised for such a procedure being adopted. As suggested from the Chair, the Government may probably say that they have been following this principle and that only the best men have been appointed to the higher posts. But if the Government choose to search the records, I am sure they will have to admit that other members who have not been so favoured have got better records behind them. In this view I press the cut motion.

**Rama Varmha Tampuran.**—Efficiency bar is generally a bar in the same grade. There are two grades of Munsiffs there but we have got only one grade of Munsiffs. So far as I understand there is no efficiency grade. There may be two grades of Munsiff's, namely Rs. 300—500 and on Rs. 600—800. That is not what I think the Hon'ble Member means.

**Mr. P. Kumaran Ezhuthassan.**—There, there is an efficiency bar.

**Mr. T. M. Krishna Menon.**—It comes to this, that only competent men should be appointed.

**Mr. P. Kumaran Ezhuthassan.**—What I mean is, that only men with brilliant records should be selected.

**Rama Varmha Tampuran.**—That is the accepted policy of the Government.

**Mr. P. Kumaran Ezhuthassan.**—What I understand is that promotions are given because of their service. Am I to understand that the Government as a matter of practice observe that service is the only consideration for promotion?

**Rama Varmha Tampuran.**—The Standing Orders are very clear on this point.

**Mr. P Kumaran Ezhuthassan.**—If that is the view of the Government, then I don't press.

*The motion was withdrawn with the leave of the House.*

**Motion No. 3.**

**Deputy President.**—The next cut motion stands in the name of Mr. Salem.

**Mr. A. B. Salem.**—I don't move.

*Hence the following motion was considered withdrawn.*

Mr. A. B. Salem.—*To omit the allotment of Rs. 160 under XV—Law and Justice. B.—Civil Justice.*

**Deputy President.**—The question before the House is, whether the supplementary demand for Rs. 160 under XV—Law and Justice—B. Civil Justice has the sanction of the House,

*Demand put and was carried,*

**(9) XV—Law and Justice—Rs.—648.**

**Mr. T. S. Narayana Ayyar.**—I again rise to move Sir, for an additional allotment of Rs. 648 by way of giving a staff

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to the new Additional Judge attached to the District Court of Anjikaimal. Two clerks on Rs. 25 to 40 each, two Peons, one on Rs. 12 and the other on Rs. 11 and a stenographer on Rs. 25 to 40 plus an allowance of Rs. 10 are required. The appointment of a Additional Judge here was brought about by an abnormal increase in the number of old suits and appeals pending disposal in this court and that too on account of the fact that the Principal Judge had to attend to a large number of Sessions Cases including the Meloor riots and dacoity cases in the Mukundapuram taluk and other cases. I, therefore, pray that the additional allotment asked for may be sanctioned by the House.

**Deputy President.**—What is the staff of the Additional Judge at Trichur doing?

**Mr. T. S. Narayana Ayyar.**—There is no provision for them in the budget. The hands that are going to work here have to be paid.

**Mr. A. B. Salem.**—On a point of information. May I know whether the hands to be appointed to the new court are new ones or are they to be transferred from Trichur?

**Mr. T. S. Narayana Ayyar.**—I don't know that.

**Mr. K. P. Kannan Nayar.**—You may not know that, but we must know that.

**Mr. C. A. Kunjunni Raja.**—For the information of the House I can say that the staff is continuing there and an objection has come that they need not be paid.

**Mr. T. S. Narayana Ayyar.**—The court is functioning here only from to-day.

**Mr. A. B. Salem.**—Whether these are new people to be appointed or whether they are already in some establishment—we want all these things to know.

**Rama Varmha Tampuran.**—I cannot positively say that. All that I can say is that if there is no work for them there then they would have to be disbanded.

**Mr. C. A. Kunjunni Raja.**—But they are expecting orders of transfer.

**Mr. U. Kandar Menon.**—When the Additional Court was established at Trichur a few of the permanent hands were transferred to the Additional Court and acting hands were appointed in the Principal Court. It may be true that these clerks are drawing their pay but they are drawing their pay as clerks of the Principal Court. The acting hands have already been thrown out. The House must remember that the Judges are not competent to appoint any number of clerks as they like. If there is no provision for them in the budget, then they cannot be appointed and the Judges will not appoint them.

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